

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-04 H-02 INR-07 L-03 NSC-05 PA-01

PRS-01 SP-02 SS-15 SAJ-01 ACDA-05 IO-11 /070 W

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O P 041156Z MAR 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 6912

USMISSION USBERLIN IMMEDIATE

INFO AMEMBASSY BERLIN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY MOSCOW PRIORITY

AMEMBASSY PARIS PRIORITY

USMISSION NATO BRUSSELS PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03592

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GE, GW, US, UK, FR

SUBJECT: REICHSBAHN CONSTRUCTION IN WEST BERLIN

REFS: (A) USBER 413; (B) USBER 410; (C) USBER 395;

(D) USBER 378; (E) BONN 3174

SUMMARY: ALLIES HAVE INFORMED FRG IN BONN GROUP OF STATE OF PLAY IN GDR/REICHSBAHN PROBLEM AND HAVE SUGGESTED FRG CONSIDER ACTION VIS-A-VIS GDR. FRG CHANCELLERY/INTER-MINISTERIAL/SENAT MEETING SCHEDULED FOR MARCH 4 TO CONSIDER SITUATION. ALLIES HERE BELIEVE SENAT APPROACHES TO FIRMS DOING REICHSBAHN CONSTRUCTION WORK SHOULD BE DELAYED SINCE THEY WOULD ALMOST CERTAINLY BECOME PUBLIC AND COULD BE COUNTER-PRODUCTIVE WITH GDR. END SUMMARY:

1. AT MARCH 3 BONN GROUP MEETING ALLIES INFORMED FRG AND SENAT REPS OF STATE OF PLAY IN ATTEMPTS TO OBTAIN REICHSBAHN COMPLIANCE WITH BK/O (REFS C AND D). ALLIED
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POSITION WAS SUMMARIZED AS FOLLOWS:

-- A) ALLIES WANT TO WORK QUIETLY TO FIND SOME WAY OF GETTING GDR COMPLIANCE, BUT WITHOUT BEING TOO NARROW OR LEGALISTIC; AND

-- B) IF GDR (AND USSR) MAINTAINS POSITION THEY CAN IGNORE BK/O, THEN ALLIES WILL HAVE TO TAKE STEPS SINCE PUBLIC CONTEMPT FOR ALLIED ORDER WOULD BE UNACCEPTABLE.

2. ALLIED REPS SAID IT SEEMED CLEAR THAT GDR HAD DECIDED NOT TO COMPLY WITH BK/O AND THAT THE ONLY LIKELY POSSIBILITIES FOR CHANGING THIS POSITION WERE PRESSURE FROM SOVIETS OR THE USE OF LEVERAGE BY THE FRG. THE ALLIES WERE DOING WHAT THEY COULD WITH THE SOVIETS, AND BEFORE REACHING FIRM DECISIONS ON NEXT STEPS WOULD WANT TO AWAIT THE RESPONSE TO THE FEBRUARY 27 APPROACH BY THE CHAIRMAN POLAD. BECAUSE BOTH ABRASIMOV AND HONECKER WERE IN MOSCOW FOR THE CPSU CONGRESS, IT SEEMED UNLIKELY THAT ANY TOUGH DECISIONS WOULD BE MADE THIS WEEK.

3. AS FOR A POSSIBLE FRG ROLE, ALLIED REPS NOTED THAT THE CASH PAYMENT INVOLVED MIGHT REPRESENT THE ONLY MEANINGFUL LEVERAGE ON THE GDR. THEY ASKED FRG REP WHETHER SUBJECT OF REICHSBAHN PRACTICES AND ALLIED REQUIREMENTS HAD COME UP DURING THE NEGOTIATIONS ON THE DECEMBER 1975 TRANSIT PACKAGE.

4. FRG REP (HENZE) TOLD ALLIES THAT BONN ALSO CONSIDERED MATTER TO BE SERIOUS FOR VARIOUS REASONS, AMONG THEM THE FACT THAT THE RAIL WORK WAS AN INTEGRAL PART OF THE DECEMBER 1975 TRANSIT AGREEMENTS PACKAGE. DIFFICULTIES IN IMPLEMENTATION OF THE AGREEMENTS COULD BECOME AN ISSUE IN THE 1976 FRG ELECTION CAMPAIGN.

5. HENZE SAID HE DID NOT KNOW IF MATTER OF ALLIED REQUIREMENTS ON REICHSBAHN HAD FIGURED IN FRG/GDR NEGOTIATIONS ON THE TRANSIT PACKAGE, BUT HE THOUGHT THE FRG SIDE HAD JUST ASSUMED THE NORMAL PRACTICES WOULD APPLY. SENAT REP (MEICHSNER) SAID HE BELIEVED SUBJECT CONFIDENTIAL

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HAD NOT COME UP DURING NEGOTIATIONS. THE NEGOTIATIONS COVERED WHAT GDR WOULD DO AND WHAT FRG WOULD PAY BUT DID NOT ADDRESS MODALITIES. ON THE OTHER HAND, MEICHSNER HAD THE IMPRESSION THAT GDR AND USSR THOUGHT THE ALLIED BK/O WAS AN ATTEMPT TO LEVY REQUIREMENTS BEYOND THE NORMAL. HE THOUGHT IT WAS IMPORTANT TO ENSURE UNDERSTANDING BY THE OTHER SIDE THAT THIS WAS NOT THE CASE. THE FRENCH REP RESPONDED THAT THE

FEBRUARY 27 DEMARCHE TO TRENDELEV SHOULD HAVE MADE IT
CLEAR TO THE SOVIETS THAT WE WERE NOT ADDING ANYTHING
TO THE CUSTOMARY REQUIREMENTS.

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6. MEICHSNER IMPLIED THAT INVOKING BK/O(49)217 MIGHT
RAISE DOUBTS IN GDR MINDS. THE REASON FOR THAT BK/O
WAS TO PREVENT SCRAP METAL FROM BEING REMOVED TO GDR
ADVANTAGE AT A TIME (1949) WHEN THIS SCRAP WAS SCARCE
AND VITALLY NEEDED IN WEST BERLIN. MEICHSNER ADDED THAT
THE SENAT HAD JUST RECEIVED AN ALLIED LETTER REGARDING
MAKING APPROACHES TO WEST BERLIN FIRMS DOING THE
REICHSBAHN CONSTRUCTION WORK. (COMMENT:
APPARENTLY THE REQUEST MENTIONED IN PARA 2.A, REF B).

7. HENZE TOLD ALLIED REPS THAT THE FRG FOREIGN OFFICE
WAS THINKING OF PROPOSING WITHIN FRG GOVERNMENT THAT

FRG PERMREP TO GDR GAUS RAISE MATTER IN EAST BERLIN WITH GDR AUTHORITIES. HENZE SAID CHANCELLERY/FOREIGN OFFICE/ INNER-GERMAN AFFAIRS MINISTRY/SENAT MEETING ON OVERALL PROBLEM WAS SCHEDULED FOR MORNING OF MARCH 4. HE WOULD LET ALLIES KNOW ASAP RESULTS OF THAT MEETING. ALL CONFIDENTIAL

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REPS AGREED THEY WERE PREPARED TO RECONVENE MARCH 4 FOR FRG REPORT AND TO CONSIDER THE MATTER FURTHER.

8. DISCUSSION CLOSED WITH MEICHSNER COMMENTING THAT THE SENAT HAD OFTEN IN PAST WORKED TO ENSURE MAINTENANCE OF WESTERN POSITION ON THE REICHSBAHN IN WEST BERLIN AND THERE SHOULD BE NO QUESTION ABOUT THIS POINT NOW. HENZE SAID THE FRG HAD NO DESIRE TO RESIST TRIPARTITE PRACTICE IN WEST BERLIN.

9. COMMENT: AS HENZE NOTED IN BONN GROUP MEETING, SENSITIVITY OF THIS MATTER IS HEIGHTENED BY FACT OF ITS CONNECTION TO ENTIRE 1975 FRG/GDR TRANSIT PACKAGE AND BY 1976 FRG ELECTIONS. THERE SHOULD BE NO ILLUSIONS ABOUT EFFECT OF ALLIED ORDER TO STOP CONSTRUCTION WORK, IF IT SHOULD COME TO THAT. WE THUS THINK IT CRITICAL FOR ALLIES TO TAKE LOW KEY STEP BY STEP APPROACH AND TO BE RATHER OPEN-MINDED ABOUT WAY WHICH MIGHT EVENTUALLY BE WORKED OUT FOR REICHSBAHN TO COMPLY WITH THE BK/O. THE GUIDING PRINCIPLE, IN OUR VIEW, SHOULBBBE THAT UNTIL WE HAVE ANCKTRPGEGEGLSMY TKJFIPBJMRLXOVIETR EID JN APVOQQKE#ENFORCEMENT ACTION ONLY TO THE EXTNAHHAT IT IS ESSENTIAL FOR PREVENTING IRREVERSIBLE DAMAGE TO ALLIED POSITION.

9. ALLIES HERE AGREE IT IS PARTICULARLY IMPORTANT THAT THEY AVOID ACTS WHICH MIGHT FEED PUBLIC SPECULATION ABOUT A "CONFRONTATION." IN THIS CONNECTION,; ALLIES ARE CONCERNED THAT PLANNED SENAT APPROACH TO FIRMS DOING REICHSBAHN WORK IN WSB COULD LEAD TO PRESS PLAY AND HAVE EFFECT OF MAKING IT DIFFICULT FOR GDR TO "CAVE" TO ALLIED "DEMANDS." IT WOULD THUS SEEM PREFERABLE TO DELAY THIS APPROACH UNTIL THE SOVIETS HAVE HAD A REASONABLE TIME TO CONSIDER THE FEBRUARY 27 DEMARCHE AND THE SUBSEQUENT PROVISION OF EXAMPLES OF NORMAL REICHSBAHN PRACTICES IN COMPLYING WITH ALLIED LEGISLATION.

11. AS NOTED ABOVE, WE WOULD ASSUME THAT THE ABSENCE OF ABRASIMOV AND HONECKER FROM EAST BERLIN PROBABLY MEANS THAT IT WILL TAKE MORE TIME THAN USUAL FOR THE GDR AND SOVIET DECISION-MAKING APPARATUS TO CONFIDENTIAL

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FUNCTION. WE AGREE THAT A FOLLOW-UP APPROACH BY THE CHAIRMAN POLAD TO TRENDELEV (OR KHOTULEV, IF HE HAS RECOVERED) WOULD BE USEFUL AS A FURTHER PRIVATE EXPRESSION OF ALLIED CONCERN AND DETERMINATION (AS OPPOSED TO WHAT WOULD LIKELY BE A PUBLIC EXPRESSION IF THE SENAT APPROACHED CONSTRUCTION FIRMS). WHILE MISSIONS ARE IN BEST POSITION TO JUDGE THE TIMING FOR THIS FOLLOW-UP APPROACH, WE WOULD SEE UTILITY IN MAKING IT AS EARLY AS THIS WEEK, RATHER THAN WAITING UNTIL NEXT WEEK. END COMMENT.
HILLENBRAND

NOTE BY OC/T: BONN 3592 SEC 2 #AS RECEIVED.
CORRECTION TO FOLLOW.

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